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February 5, 2024

Hon. Naomi R. Buchwald
United States District Judge
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Frankie Capellan
22-CR-010 (NRB)

Dear Judge Buchwald:

On October 11, 2022, the Court appointed Clara Kalhous pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, et seq., as associate counsel to assist in the representation of Mr. Capellan. The Court approved my request to retain Ms. Kalhous' services for 40 hours at \$110 per hour, with leave to apply for additional funding should the need arise. Dkt. #62.

As your Honor may be aware, Mr. Capellan's case took longer to resolve than anticipated. Ms. Kalhous and I met with Mr. Capellan on numerous occasions and spent hours reviewing the discovery and engaging in telephone and email conversations with the Government in attempts to negotiate a resolution, as well as to obtain necessary medical attention for Mr. Capellan. Consequently, Ms. Kalhous exceeded the number of hours for which her services were originally approved. As of the date of sentencing, she had spent a total of 52.8 hours on Mr. Capellan's case.

Because Ms. Kalhous' work on Mr. Capellan's case was performed at my direction and request with regard only for the needs of the client, I respectfully ask the Court to approve these

additional 12.8 hours *nunc pro tunc* to permit Ms. Kalhous to be compensated in full for her services. *Application granted.*

I thank the Court for its consideration and continued courtesies to counsel. *Samuel R. Buchwald, USDT*

Respectfully,

 /s/
Richard Rosenberg, Esq.

2/6/24

Cc: All counsel (by ECF)